

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 3833 of 2004(F)

OS.39/1994 of MUNI-MAGI.COURT,MANNARKAD

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PETITIONER:

SUNDARAN @ BALAKRISHNAN,
S/O. KUNJAN MOOTHAN, PADINJAREKARIPADATH,
THACHANATTUKARA AMSOM DESOM, MANNARKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

1. SYAMALA,
D/O.CHUTHATHU PARALATTIL DECEASED AMMUKKUTTY AMMAL
THACHANATTUKARA AMSOM AND DESOM, MANNARKKAD TALUK,
PALAKKAD DISTRICT.
2. VALSALA, D/O. -DO- -DO-.
3. VENUGOPALAN, S/O. -DO- -DO-.
4. SETHUMADHAVAN, S/O. -DO- -DO-.
5. BHARGAVI AMMAL,
W/O. BALAKRISHNA GUPTHAN, CHUTHATHU PALOTTIL HOUSE
THACHANATUKARA AMSOM AND DESOM, MANNARKKAD TALUK,
PALAKKAD DISTRICT.
6. PANKAJAM AMMA, W/O.NAMBAN KUTTY GUPTHAN,
-DO- -DO-.
7. BALAKRISHNA GUPTHAN,
S/O. KUNJAN MOOTHAN -DO- -DO-.

BY ADV. SRI.K.M.SATHYANATHA MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC NO. 3833/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PLAINT DATED 18.3.1994

EXT.P2: COPY OF THE COMMISSIONER'S REPORT AND PLAN DATED 25.3.1994

EXT.P3: COPY OF THE AFFIDAVIT IN SUPPORT OF THE AMENDMENT PETITION
DATED 17.6.1994

EXT.P4: COPY OF THE COMMISSIONER'S PLAN AND REPORT DATED 19.6.2000

EXT.P5: COPY OF THE AFFIDAVIT IN SUPPORT OF THE PETITION FOR
AMMENDMENT OF PLAINT DATED 29.8.2001

EXT.P6: COPY OF THE WRRITTEN STATEMENT DATED 29.7.1994

EXT.P7: COPY OF THE OBJECTION IN COMMISSION REPORT AND PLAN DATED
18.6.2001

EXT.P8: COPY OF THE AFFIDAVIT IN SUPPORT OF THE PETITION FOR REMIT THE
COMMISSION REPROT AND PLAND ATED 9.6.2003

EXT.P9: COPY OF THE ORDER DATED 27.10.2003 BY THE MUNSIFF MAGISTRAE
COURT, MANNARKKAD IN I.A. 409/03 IN O.S. 39/94

/TRUE COPY/

P.A.TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 3833 of 2004

Dated this the 28th day of June 2007

JUDGMENT

Heard both sides. I do not find any warrant for setting aside Ext.P9 order passed by the learned Munsiff on the application filed by the petitioner to remit the Advocate Commission once again, under the supervisory jurisdiction of this court.

2. However, having regard to the submissions addressed at the bar, even as I confirm Ext.P9, I make it clear that it will be open to the petitioner to cross examine the commissioner during trial and if the court below is convinced, on the basis of the evidence the petitioner adduces against the commission report, that there is justification for remitting the commission report once again, the confirmation of Ext.P9 will not stand in the way of the court below doing that before final judgment is delivered.

The writ petition is disposed of as above.

**PIUS C. KURIAKOSE,
JUDGE.**

Dpk

